

make further rules and regulations for the safety of the docks, wharves, landings, quays, bulkheads and harbor and waterfront improvements belonging to or controlled by the Territory.

Said board may also, from time to time, make, alter, amend and repeal such rules not inconsistent with law as shall be deemed necessary for the proper regulation and control of all shipping in the harbors, shore waters and navigable streams belonging to or controlled by the Territory, and of the entry, departure, mooring and berthing of vessels therein, and for the regulation and control of all other matters and things connected with shipping in all such harbors, shore waters and navigable streams; and rules and regulations to prevent the throwing into such harbors, shore waters and navigable streams, of rubbish, refuse, garbage or other substances liable to make such harbors, shore waters and navigable streams unsightly, unhealthful or unclean, or liable to fill up or shoal or shallow such harbors, shore waters and streams, and likewise to prevent the escape of fuel or other oils into such harbors, shore waters and streams, either from any vessel or from pipes or storage tanks upon the land.

Any rules and regulations so made shall be published by said board in the manner prescribed for the promulgation of the laws of the Territory, and upon such publication shall have the force and effect of law."

SECTION 4. Section 691 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 691. Wharfage. All such water craft as shall lie idle alongside any wharf, pier, bulkhead, quay or landing belonging to or controlled by the Territory, and all such water craft as shall discharge or receive freight or passengers on or from any wharf, pier, bulkhead, quay or landing, belonging to or controlled by the Territory, while made fast or lying alongside of the same, shall pay to the said board such rates of wharfage as shall be fixed by said board, not exceeding two cents per ton per diem on the net registered tonnage of the vessel.

All such water craft as shall receive or discharge freight or passengers (1) from or upon any such wharf, pier, bulkhead, quay or landing by means of boats, lighters or otherwise, while lying at anchor or under steam in any bay, harbor or roadstead, or (2) while lying in any slip or dock belonging to or controlled by the Territory, but not made fast to or lying alongside of any wharf, pier, bulkhead, quay or landing, shall pay such rates of wharfage as shall be fixed by said board not exceeding one cent per ton per diem on the net registered tonnage of the vessel. Any water craft that shall leave any such wharf, pier, bulkhead, quay, landing, slip, dock, basin or waters without paying its wharfage and other charges, with intent to evade the payment thereof, shall be liable to pay double rates."

SECTION 5. A new section is hereby added to the Revised Laws of Hawaii, 1915, to be known as Section 691A, as follows:

"Section 691A. Demurrage, lien, foreclosure. When any freight shall have remained upon any wharf, pier, bulkhead, quay or landing for more than twenty-four hours, the board may, in its discretion, make such demurrage charges for each subsequent day or part thereof as in its opinion are just and equitable.

The amount payable by any shipper or consignee for demurrage or other charges in respect of any freight shall be a lien on the same, and the board, its officers, employees or servants may take and hold possession of any such freight to secure the payment of such amount, and for the purpose of such lien, shall be deemed to have possession of such freight until such amount shall be paid. If the charges due on such freight shall not be paid within thirty days after being landed, the board may sell the same at public auction and out of the proceeds retain the charges accrued, including the costs of advertisement and sale, which latter shall be pro rated upon the articles or lots advertised in proportion to the amount received for each article or lot. Before any such sale is made, the board shall publish a notice of the time and place of sale at least once each week for three successive weeks in some newspaper of general circulation printed and published in the county in which the place is located to which such freight is consigned or addressed, or if no such newspaper is printed and published therein, by posting such notice in the English and Hawaiian languages at the courthouses of the district in which such place is located; said notice shall contain a description of such property as near as may be, the name of the owner or consignee if known, the amount of charges due thereon, together with the time and place of said sale. Any freight in its nature perishable may be sold by the board either at public or private sale as soon as its condition makes a sale necessary.

The surplus, if any, received from such sale shall, after paying any accrued freight charges on the freight, be paid to the owner or consignee, if known, and if not known, shall be deposited in the territorial treasury as a special fund, which fund shall consist of the surplus received from sales made under this section. At any time within one year thereafter, upon written demand and proof of identity satisfactory to him, the treasurer shall pay the owner thereof said surplus. If such surplus be not claimed by the owner within one year after the date of sale it shall thereupon escheat to the Territory of Hawaii, and be transferred to the general funds of the Territory."

SECTION 6. This Act shall take effect July 1, 1915.

Approved this 26th day of April, A. D. 1915.

LUCIUS E. PINKHAM,  
Governor of the Territory of Hawaii.

## ACT 170

## AN ACT

TO AMEND SECTION 2221 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO PUBLIC UTILITIES COMMISSION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2221 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 2221. Number, appointment, salaries, of commissioners. There is created a public utilities commission of three members, who shall be called commissioners and who shall be appointed in the manner prescribed in Section 80 of the Organic Act for terms of three years, or the unexpired portions thereof, so that the term of one member shall expire on the thirtieth day of June in each year, beginning with the year 1914. One member shall also be appointed chairman of the commission. Each member of said commission shall receive compensation at the rate of ten dollars per day while actually engaged in the performance of his duties as such commissioner, and any member of the commission may be a salaried officer of the Territory or of any political subdivision thereof. No person owning any stocks or bonds of any public utility corporation, or having any interest, or deriving any remuneration from any public utility shall be appointed or employed by the commission."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 26th day of April, A. D. 1915.

LUCIUS E. PINKHAM,  
Governor of the Territory of Hawaii.

THE SENATE OF THE TERRITORY OF HAWAII.

Honolulu, T. H., April 15, 1915.

We hereby certify that the foregoing Bill passed Third Reading in the Senate of the Territory of Hawaii on the 15th day of April, A. D. 1915.

.....  
President of the Senate.

.....  
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE  
TERRITORY OF HAWAII.

Honolulu, T. H., April 23, 1915.

We hereby certify that the foregoing Bill passed Third Reading in the House of Representatives of the Territory of Hawaii on the 23rd day of April, A. D. 1915.

.....  
Speaker, House of Representatives.

.....  
Clerk, House of Representatives.

## ACT 171

## AN ACT

RELATING TO REMEDIES OF LANDLORDS, ADDING A NEW SECTION TO CHAPTER 154 OF THE REVISED LAWS OF HAWAII, 1915, TO BE KNOWN AS SECTION 2755A.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. A new Section is hereby added to Chapter 154 of the Revised Laws of Hawaii, 1915, to be known as Section 2755A, and to read as follows:

"Section 2755A. Joinder of other Causes of Action. In any action for summary possession begun under the provisions of Chapter 154, the plaintiff may join actions for rent, profits, damages and waste where these arise out of and refer to the land or premises whose possession is sought."

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1915.

LUCIUS E. PINKHAM,  
Governor of the Territory of Hawaii.

## ACT 172

## AN ACT

RELATING TO EXTORTION BY ANY OFFICER, AGENT, OR EMPLOYEE OF A PUBLIC UTILITY CORPORATION, AND ADDING

A NEW SECTION TO CHAPTER 229 OF THE REVISED LAWS OF HAWAII, 1915, TO BE KNOWN AS SECTION 3944A.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. A new Section is hereby added to Chapter 229 of the Revised Laws of Hawaii, 1915, to be known as Section 3944A and to read as follows:

"Section 3944A. Whoever, being an officer, or agent or employee of a public utility corporation, as defined by Section 2238 of the Revised Laws of Hawaii of 1915, shall by coercion, duress, threat or the withholding of service of such utility from another, extort from another for his own use and benefit, or for the use and benefit of the said corporation, or a third person, any involuntary agreement or anything of value, knowing that he has not any legal authority, or right to exact the same, is guilty of extortion in the second degree."

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1915.

LUCIUS E. PINKHAM,  
Governor of the Territory of Hawaii.

## ACT 173

## AN ACT

EXTENDING THE USE OF THE POWER OF EMINENT DOMAIN UNDER CERTAIN CONDITIONS TO PUBLIC UTILITY COMPANIES ACTING UNDER A FRANCHISE GRANTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII AND APPROVED BY THE CONGRESS OF THE UNITED STATES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Any incorporated company organized under the laws of the Territory of Hawaii exercising a public utility, as defined by Section 2238 of the Revised Laws of Hawaii, 1915, under a franchise granted by the Legislature of the Territory of Hawaii and approved by Act of Congress, pursuant to Section 55 of the Organic Act, shall have the right, and is hereby vested with the power and authority, to acquire by the exercise of the right of eminent domain such real property, rights of way and interests in, over, across, under, and through any real property which may be for the purpose of said public utility. Provided, however, that this Act shall not be construed to hold or apply to any company now possessing the power of eminent domain under the laws of the Territory of Hawaii, nor as in any manner affecting the exercise of such power by such company.

SECTION 2. The power of eminent domain, granted by Section 1 of this Act, shall be exercised in the same manner and with like procedure as the power of eminent domain may be exercised by a railroad company under the provisions of Section 725 of the Revised Laws of Hawaii, 1915, and otherwise in accordance with all applicable provisions of the general laws of the Territory, and only, after the company desiring to exercise said power, has first obtained the written consent of the Public Utilities Commission organized and acting under the provisions of Chapter 128 of the Revised Laws of Hawaii, 1915, to the institution of condemnation proceedings, such consent to be given only after investigation by said commission, and notice to the parties in interest and to the public an opportunity for said parties and the public to be heard.

SECTION 3. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1915.

LUCIUS E. PINKHAM,  
Governor of the Territory of Hawaii.

## ACT 174

## AN ACT

PROVIDING FOR AN INSURANCE FUND TO REPAIR OR REPLACE PROPERTY OF THE TERRITORY THAT MAY BE DAMAGED OR DESTROYED BY FIRE OR OTHER CASUALTY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii shall set aside, as a special fund to be known as the "Territorial Insurance Fund," the sum of twenty thousand dollars (\$20,000.00) during the year 1915 out of the general funds in the treasury not otherwise appropriated, and twenty thousand dollars (\$20,000.00) annually thereafter.

SECTION 2. The treasurer of the Territory shall, with the approval of the governor, invest the "Territorial Insurance Fund," or so much thereof as may be deemed advisable, in interest-bearing securities issued by the Federal Government, the Territorial Government, or any sub-division thereof, or deposited in any savings bank or savings banks doing business in the Territory. The interest upon such securities shall be credited to the "Territorial Insurance Fund," provided, however, that whenever said "Territorial Insurance Fund" exceeds two

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